



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/676,529	10/02/2000	Neelakantan Sundaresan	AM9-99-0149	5198

21254 7590 06/18/2003

MCGINN & GIBB, PLLC
8321 OLD COURTHOUSE ROAD
SUITE 200
VIENNA, VA 22182-3817

EXAMINER

GART, MATTHEW S

ART UNIT	PAPER NUMBER
----------	--------------

3625

DATE MAILED: 06/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/676,529

Applicant(s)

SUNDARESAN, NEELAKANTAN

Examiner

Matthew s Gart

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10/02/00 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other: ____.

Art Unit: 3625

DETAILED ACTION

Drawings

This application has been filed with informal drawings, which are acceptable for examination purposes only. All of the figures contain improper lines and text, which may affect clarity when reproduced.

Applicant is required to submit a formal correction of the noted defect. Applicant is required to submit drawing corrections promptly. Drawing objections may no longer be held in abeyance.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-8, 12-17 and 22-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Bot (PTO-892, Ref U)

Referring to claims 1 and 22-24. Bot discloses a method for conducting electronic commerce, comprising:

- Electronically visiting, by a customer interested in shopping for an item, a comparison shopping site ("CompShop"), and inquiring about the item and comparative prices thereof (paragraph 4);

Art Unit: 3625

- Running, by the CompShop, a query on a plurality of electronic stores carrying said item, and asking for a price of the item (paragraph 4); and
- Selectively determining, by at least one of said electronic stores functioning as a "smartStore", an offer price of said item and selectively returning one of a static price and a modified price (paragraphs 10, 11 and 12),
- Said modified price resulting from said at least one of said electronic stores learning the best offer price received by said CompShop from all of said electronic stores (paragraphs 10, 11 and 12).

Referring to claims 2. Bot further discloses a method comprising returning a standard price by the eStore determined not to be a SmartStore (paragraphs 10, 11 and 12).

Referring to claims 3. Bot further discloses a method comprising sending, by the SmartStore, a request to the "CompShop" asking for comparative prices of said item (paragraphs 10, 11 and 12, "...in other words, every seller will act like an airline with constantly changing pricing and the ability to negotiate. It's auto haggling."); and determining, by the SmartStore, whether the asking offer price is the best price that can be offered, wherein if the asking price is determined to be the lowest price, then the SmartStore returns its standard price (paragraphs 10, 11 and 12).

Referring to claims 4. Bot further discloses a method of comprising:

- If the asking price is determined not to be the lowest price, then adjusting, by the smartStore, the price (paragraphs 10, 11 and 12, "...it's auto haggling."); and

Art Unit: 3625

- Returning a new price to the "CompShop" (paragraphs 10, 11 and 12, "...it's auto haggling.").

Referring to claims 5. Bot further discloses a method wherein the at least one of the electronic stores automatically changes the price depending on a customer for the item asking for the price and what the lowest price is as recorded by the CompShop (paragraphs 10, 11 and 12).

Referring to claims 6. Bot further discloses a method comprising maintaining, by the smartStore, a list of comparison-shopping sites (paragraphs 10, 11 and 12).

Referring to claims 7. Bot further discloses a method comprising:

- If a request is made from other than a comparison shopping site, then returning by the smartStore, a standard price (paragraphs 10, 11 and 12); and
- If the request for a price is from a comparison shopping site, then submitting by the smartStore a request to the "CompShop" or another comparison shopping site to get a list of all comparison prices for the item (paragraphs 10, 11 and 12).

Referring to claims 8. Bot further discloses a method comprising when said smartStore obtains a comparative list of pricing, determining whether said smartStore can offer a lowest price (paragraphs 10, 11 and 12).

Referring to claims 12. Bot further discloses a method comprising returning, by the "CompShop", the list of prices to the user (paragraphs 10, 11 and 12).

Referring to claims 13. Bot further discloses a method comprising:

- Selecting, by the user, based upon the prices received, a choice of electronic store for providing said item (paragraphs 10, 11 and 12).

Referring to claims 14-15. Bot further discloses a method wherein said item comprises a product and service (paragraph 4).

Referring to claims 16. Bot further discloses a method wherein said best price is the lowest offer price (paragraph 13).

Referring to claims 17. Bot further discloses a method wherein said best price is the highest offer price (paragraph 13).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 9-11 and 18-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bot (PTO-892, Ref U) in view of Reuhl U.S. Patent No. 5,873,069.

Referring to claims 9. Bot discloses a method according to claim 8 as indicated supra. Bot does not expressly disclose a method wherein said smartStore determines whether it can afford to offer a lower price based upon the comparison and its own cost price and required profit margin. Reuhl discloses a method wherein said smartStore determines whether it can afford to offer a lower price based upon the comparison and its own cost price and required profit margin (Reuhl: claim 9). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to have modified the system of Bot to have included the limitations of Reuhl as discussed above

Art Unit: 3625

in order to provide purchasing assistance to a buyer by supplying comparison pricing of goods by competitors (Reuhl: column 1, lines 5-15).

Referring to claims 10. Bot in view of Reuhl discloses a method according to claim 9 as indicated supra. Reuhl further discloses a method further comprising if said smartStore can offer a lower price, then returning said lower price to the CompShop request (claim 7 and Figure 11). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to have modified the system of Bot to have included the limitations of Reuhl as discussed above in order to provide purchasing assistance to a buyer by supplying comparison pricing of goods by competitors (Reuhl: column 1, lines 5-15).

Referring to claims 11. Bot in view of Reuhl discloses a method according to claim 9 as indicated supra. Reuhl further discloses a method comprising if said smartStore cannot offer a lower price, then returning its standard price to the CompShop (claim 7 and Figure 11). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to have modified the system of Bot to have included the limitations of Reuhl as discussed above in order to provide purchasing assistance to a buyer by supplying comparison pricing of goods by competitors (Reuhl: column 1, lines 5-15).

Referring to claims 18. Bot in view of Reuhl discloses a method according to claim 1 as indicated supra. Bot does not expressly disclose a method comprising caching, by the CompShop, said prices received from said electronic stores. Reuhl discloses a method comprising caching, by the CompShop, said prices received from

Art Unit: 3625

said electronic stores (column 3, lines 28-48). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to have modified the system of Bot to have included the limitations of Reuhl as discussed above in order to provide purchasing assistance to a buyer by supplying comparison pricing of goods by competitors (Reuhl: column 1, lines 5-15).

Referring to claims 19. Bot in view of Reuhl discloses a method according to claim 1 as indicated supra. Bot does not expressly disclose a method comprising caching, by the smartStore, a list of prices received from said CompShop. Reuhl discloses a method comprising caching, by the smartStore, a list of prices received from said CompShop (column 3, lines 28-48). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to have modified the system of Bot to have included the limitations of Reuhl as discussed above in order to provide purchasing assistance to a buyer by supplying comparison pricing of goods by competitors (Reuhl: column 1, lines 5-15).

Referring to claims 20. Bot in view of Reuhl discloses a method according to claim 1 as indicated supra. Bot does not expressly disclose a method wherein said smartStore selectively visits said CompShop such that information from said CompShop is cached by said smartStore for comparison with a price request occurring between visits to said CompShop. Reuhl discloses a method wherein said smartStore selectively visits said CompShop such that information from said CompShop is cached by said smartStore for comparison with a price request occurring between visits to said CompShop (column 3, lines 28-48). At the time the invention was made, it would have

Art Unit: 3625

been obvious to a person of ordinary skill in the art to have modified the system of Bot to have included the limitations of Reuhl as discussed above in order to provide purchasing assistance to a buyer by supplying comparison pricing of goods by competitors (Reuhl: column 1, lines 5-15).

Referring to claims 21. Bot in view of Reuhl discloses a method according to claim 1 as indicated supra. Bot does not expressly disclose a method wherein a price comparison is performed on one of the identical item and a substantially identical item, and wherein a graded price is offered on said substantially identical item. Reuhl discloses a method wherein a price comparison is performed on one of the identical item and a substantially identical item, and wherein a graded price is offered on said substantially identical item (column 3, line 58 to column 4, line 6). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to have modified the system of Bot to have included the limitations of Reuhl as discussed above in order to provide purchasing assistance to a buyer by supplying comparison pricing of goods by competitors (Reuhl: column 1, lines 5-15).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Dworkin, U.S. Patent No. 4,992,940, February 12, 1991; discloses a system and method for automated selection of equipment for purchase through input of user desired specifications.

Art Unit: 3625

Harris, U.S. Patent No. 6,304,854, October 16,2001; discloses a system and method for providing a comparable branded product based on a current branded product for non-comparison shopped products.

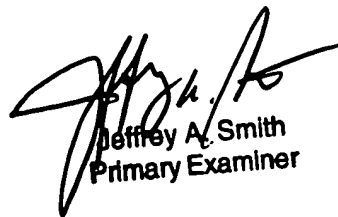
Any inquiry concerning this communication should be directed to Matthew Gart whose telephone number is 703-305-5355. This examiner can normally be reached Monday-Friday, 8:30AM-5:30PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Wynn Coggins can be reached on 703-308-1344. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

MSG

June 12, 2003


Jeffrey A. Smith
Primary Examiner